

25 April 1989
OCA 1400-89

MEMORANDUM FOR: Comptroller
SA/CONG/DO
Director, Security Evaluation Office
Deputy Director for Physical & Technical
Security/OS
Deputy Director for Personnel Security/OS
Executive Officer/OP

FROM:

Legislation Division
Office of Congressional Affairs

STAT

SUBJECT: FY 90-91 State Authorization Bill, S. 808

1. Attached for your information and review is a copy of the Senate version of the Department of State Authorization Bill. It is similar to the House-passed version and addresses issues such as granting the State Department access to criminal history records; excluding aliens who have committed serious criminal offenses; determinations by the President regarding the United States-Soviet Embassy Agreement; grants to child care facilities abroad; administration of polygraph examinations to contractors; and emergency visitation travel to certain posts.

2. This bill appears to pose no concerns for the Agency. Should you have any questions or comments, you may telephone me on



Attachment

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such business entity and a labor organization to all other business entities comprising the single employer and performing the work described in the collective bargaining agreement within the geographical area covered by the agreement."

(c) AGREEMENTS.—Section 8(f) of such Act (29 U.S.C. 158(f)) is amended—

(1) by striking out the colon at the end of clause (4) and inserting in lieu thereof a period and the following: "An agreement lawfully made pursuant to this subsection shall impose the same obligations under this Act as an agreement made with a majority representative pursuant to section 9(a)"; and

(2) by inserting before the period at the end of such section the following new proviso: "Provided further, That any agreement lawfully made pursuant to this subsection may be repudiated only after the Board certifies the results of an election conducted pursuant to section 9(c), in which a majority of employees in an appropriate bargaining unit either selects a bargaining representative other than the labor organization with which such agreement was made or chooses not to be represented by a labor organization".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by section 2 shall take effect on the date of the enactment of this Act.

(b) DUTY TO BARGAIN COLLECTIVELY.—The requirement imposed by the amendment made by section 2(b) shall take effect—

(1) 1 year after such date of enactment with respect to any building and construction project for which the contract was entered into by an employer before the date of the enactment of this Act; and

(2) on the date on which the contract is entered into with respect to any new building or construction project for which the contract is entered into by an employer on or after the date of the enactment of this Act.

By Mr. PELL (by request):

A bill to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes; to the Committee on Foreign Relations.

S. 809. A bill to authorize appropriations for fiscal years 1990 and 1991 for the U.S. Information Agency, and for other purposes; to the Committee on Foreign Relations.

S. 810. A bill to amend the Board for International Broadcasting Act of 1973 to authorize appropriations for fiscal years 1990 and 1991 to carry out that act; to the Committee on Foreign Relations.

DEPARTMENT OF STATE, U.S. INFORMATION AGENCY, AND BOARD FOR INTERNATIONAL BROADCASTING AUTHORIZATION ACTS

Mr. PELL. Mr. President, by request of the relevant Departments and agencies, I introduce for appropriation reference bills to authorize appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting.

These bills have been requested by these foreign affairs agencies and I am introducing them in order that there may be specific bills to which members of the Senate and the public may direct their attention and comments. Tomorrow the Foreign Relations Com-

mittee will hold a hearing with Secretary of State Baker to receive his views on the State Department bill.

I reserve my right to support or oppose these bills, as well as any suggested amendments to them, when they are considered by the Committee on Foreign Relations.

I ask unanimous consent that these bills be printed in the RECORD at this point, together with the section-by-section analyses of the bills and the letters of transmittal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Title may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1990 and 1991."

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—THE DEPARTMENT OF STATE
PART A—AUTHORIZATION OF APPROPRIATIONS;
ALLOCATION OF FUNDS

Sec. 101. Authorization of Appropriations.

Sec. 102. Availability of Funds.

Sec. 103. Funding for Seville World's Fair.

PART B—DEPARTMENT OF STATE AUTHORITIES
AND ACTIVITIES; FOREIGN MISSIONS

Sec. 110. Authorization of Certain Operational Activities.

Sec. 111. Fees and Reimbursements.

Sec. 112. International Center.

Sec. 113. Acquisition of Domestic Property as Interim Step to Acquiring Property Abroad.

Sec. 114. Working Capital Fund for Office of Foreign Missions.

Sec. 115. Foreign Service Institute Facilities.

Sec. 116. Munitions Control Registration Fees.

Sec. 117. Establishment of Staffing Levels by Chief of Mission.

Sec. 118. Report on Expenditures Made from Appropriation for Emergencies in the Diplomatic and Consular Service.

Sec. 119. International Boundary & Water Commission.

Sec. 120. Operation of Posts Abroad.

Sec. 121. Consular Officer Duties.

Sec. 122. Access to Criminal Records.

Sec. 123. State Department Post Offices Abroad.

Sec. 124. Authority of Diplomatic Security Service.

PART C—DIPLOMATIC IMMUNITY,
RECIPROCITY AND SECURITY

Sec. 130. Exclusion of Aliens Previously Involved in a Serious Criminal Offense Committed in the United States.

Sec. 131. United States-Soviet Reciprocity in Matters Relating to Embassies.

Sec. 132. United States-Soviet Embassy Agreement.

Sec. 133. Child Care Facilities at Certain Posts Abroad.

Sec. 134. State Department Contractor Exemption to Polygraph Protection Act.

PART D—PERSONNEL

Sec. 140. Authority to Transfer Retirement Contributions for Foreign Service Nationals to Local Plans.

Sec. 141. Judicial Review—Separation for Cause.

Sec. 142. Travel, Leave, and other Benefits.

Sec. 143. Amendments to Title 5, United States Code.

Sec. 144. Credit for Service at Unhealthful Posts.

Sec. 145. Former Spouses of USIA and AID Employees.

Sec. 146. Grants for Institutions and Students for Training in International Affairs.

Sec. 147. Chief of Mission Salary.

Sec. 148. Savings Provisions.

TITLE II—INTERNATIONAL
ORGANIZATIONS

Sec. 201. United States Membership in International Sugar Organization and International Tropical Timber Organization.

Sec. 202. Reform in Budget Decision-Making Procedures of the United Nations and its Specialized Agencies.

Sec. 203. Contribution to the Regular Budget of the International Committee of the Red Cross.

TITLE III—IMMIGRATION AND
REFUGEE PROVISIONS

Sec. 301. UN High Commissioner for Refugees Audit Requirement.

TITLE I—THE DEPARTMENT OF STATE
PART A—AUTHORIZATION OF APPROPRIATIONS;
ALLOCATION OF FUNDS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) In addition to amounts otherwise authorized for such purposes, the following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law:

(1) For "Administration of Foreign Affairs", \$2,276,982,000 for the fiscal year 1990 and such sums as may be necessary for the fiscal year 1991.

(2) For "International Organizations and Conferences", \$832,451,000 for the fiscal year 1990 and such sums as may be necessary for the fiscal year 1991.

(3) For "International Commissions", \$37,460,000 for the fiscal year 1990 and such sums as may be necessary for the fiscal year 1991.

(b) In addition to amounts otherwise authorized for such purposes, there are authorized to be appropriated to the Department of State under "Migration and Refugee Assistance, \$370,000,000 for the fiscal year 1990 and such sums as may be necessary for the fiscal year 1991.

(c) In addition to amounts otherwise authorized for such purposes, there are authorized to be appropriated to the Department of State for the following programs:

(1) "Bilateral Science and Technology Agreements", \$4,000,000 for the fiscal year 1990 and such sums as may be necessary for the fiscal year 1991.

(2) "Soviet-East European Research and Training", \$4,600,000 for the fiscal year 1990 and such sums as may be necessary for the fiscal year 1991.

(3) "Asia Foundation", \$8,300,000 for the fiscal year 1990 and such sums as may be necessary for the fiscal year 1991.

SEC. 102. AVAILABILITY OF FUNDS.

(a) Section 24 of the State Department Basic Authorities Act is amended—

(1) by renumbering subsections (b)(4)-(b)(6) as (b)(5)-(b)(7) and by inserting as new subsection (b)(4):

"(b)(4) No later than the end of the second fiscal year following the last fiscal

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year for which appropriations (other than no-year appropriations) for any account under the heading 'Administration of Foreign Affairs' have been made available to the Department of State, amounts obligated during the period of availability may, if deobligated after expiration of the period of availability for obligation for such appropriations, be transferred into and merged with the Buying Power Maintenance Account." and

(2) In subsection (d) by striking "the 'Administration of Foreign Affairs' account, the 'International Organizations and Conferences' account, the 'International Commissions' account, or the 'Migration and Refugee Assistance' and inserting "an"; and by striking the word "such" wherever it appears; and

(3) by inserting the following new subsections (e) and (f):

"(e) If the amount appropriated (or made available in the event of a sequestration order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, as amended)) for a fiscal year pursuant to any authorization of appropriations provided by an act other than an appropriation act is less than the authorization amount and a provision of that act provides that a specified amount of the authorization amount shall be available only for a certain purpose, then the amount so specified shall be deemed to be reduced for that fiscal year to the amount which bears the same ratio to the specified amount as the amount appropriated (or made available in the event of a sequestration) bears to the authorization amount.

"(f) Amounts authorized to be appropriated for a fiscal year for the Department of State are to be obligated for twelve month contracts which are to be performed in two fiscal years, provided that the total amount for such contracts is obligated in the earlier fiscal year."

(b) Subsection (a) shall apply only to funds appropriated for fiscal year 1987 and thereafter. In the case of appropriations provided for fiscal years 1987 and 1988, it shall apply only to funds which become deobligated after the date of enactment of this Act.

SEC. 103. FUNDING FOR SEVILLE WORLD'S FAIR.

There is authorized to be appropriated \$5,000,000, to be available until expended, for costs associated with United States participation in the 1992 Seville World's Fair.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

SEC. 110. AUTHORIZATION OF CERTAIN OPERATIONAL ACTIVITIES.

Section 2 of the State Department Basic Authorities Act is amended—

(a) in subsection (g) by deleting "and" at the end;

(b) in subsection (h) by deleting the "." and inserting in its place "and"; and

(c) by inserting the following as new subsections (l)–(k):

"(l) obligations assumed in Germany on or after June 5, 1945;

"(j) provision of telecommunications services; and

"(k) provision of maximum physical security in Government-owned and leased properties and vehicles abroad."

SEC. 111. FEES AND REIMBURSEMENTS.

(a) The State Department Basic Authorities Act of 1956 is amended by adding as a new section 43:

"Sec. 43. (a) Notwithstanding any other provision of law, for fiscal years 1990 and 1991 funds received by the Department in connection with use of Blair House, including reimbursements and surcharges for services and goods provided and fees for use of

Blair House facilities, may be credited to the appropriate appropriation account currently available to the Department, and shall be available for maintenance and other expenses of Blair House.

(b) The authority of this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation acts."

SEC. 112. INTERNATIONAL CENTER.

Section 4 of the International Center Act is amended by inserting at the end the following new subsection (c):

"(c) The Department of State is authorized to charge U.S. Government agencies for the lease or use of facilities located at the International Center and used for the purposes of security and maintenance. Any payments received for lease or use of such facilities shall be credited to the account entitled "International Center, Washington, D.C." and shall be available, without fiscal year limitation, to cover the operating expenses of such facilities including but not limited to administration, maintenance, utilities, repairs and alterations."

SEC. 113. ACQUISITION OF DOMESTIC PROPERTY AS INTERIM STEP TO ACQUIRING PROPERTY ABROAD.

(a) Section 203(c) of the State Department Basic Authorities Act is amended by striking "and" at the end of subparagraph (2); by renumbering subparagraph "(3)" as subparagraph "(4)"; and by inserting as a new subparagraph (3):

"(3) dispose of property acquired in carrying out the purposes of this Act, provided that proceeds from disposition of properties acquired pursuant to section 204(f) shall be credited to the Foreign Service Buildings Fund under section 9 of the Foreign Service Buildings Act, 1926; and";

(b) Section 204 of the State Department Basic Authorities Act is amended—

(1) in subsection (b) by striking the "or" at the end of (b)(3) and inserting "or" at the end of (b)(4), and by adding a new subparagraph (b)(5) as follows:

"(5) to implement an exchange of property with a foreign country, such property to be used by each government in the receiving state for or in connection with diplomatic or consular establishments,"; and

(2) adding a new subsection (f) as follows:

"(f) Upon a determination in each specific case by the Secretary or his designee that the purposes of the Foreign Service Buildings Act, 1926, can best be met on the basis of an in-kind exchange of properties with a foreign country pursuant to subsection (b)(5), the Secretary may transfer funds made available under the heading "Acquisition and Maintenance of Buildings Abroad" for such purposes, including funds held in the Foreign Service Buildings Fund, to the Working Capital Fund as provided in section 208(h)(1) of this Act."

(c) Section 9(a)(1) of the Foreign Service Buildings Act, 1926 is amended by adding "or in the United States pursuant to section 204(b)(5) of the State Department Basic Authorities Act of 1956" at the end.

SEC. 114. WORKING CAPITAL FUND FOR OFFICE OF FOREIGN MISSIONS.

Section 13 of the State Department Basic Authorities Act is amended by inserting "and" before "(4)"; and by striking "; and (5) services and supplies to carry out" and inserting in its place ". Such fund shall also be available without fiscal year limitation to carry out the purposes of".

SEC. 115. FOREIGN SERVICE INSTITUTE FACILITIES.

Section 123(c)(2) of the Foreign Relations Authorization Act, 1986-87 is amended by striking "\$50,000,000" and inserting in its place "\$2,000,000".

SEC. 116. MUNITIONS CONTROL REGISTRATION FEES.

Section 38(b)(3)(A) of the Arms Export Control Act (22 U.S.C. 2778) is amended by striking "1988 and 1989" and inserting in its place "1990 and 1991".

SEC. 117. ESTABLISHMENT OF STAFFING LEVELS BY CHIEF OF MISSION.

(a) Section 801 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, is hereby repealed;

(b) Section 103(b) of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4802(b)) is amended by striking "or regional inspector general offices under the jurisdiction of the Inspector General, Agency for International Development" in subsection (b)(2); and

(c) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461) is amended by striking everything after "heading" in "Operating Expenses of the Agency for International Development Office of Inspector General" and inserting in its place "...".

SEC. 118. REPORT ON EXPENDITURES MADE FROM APPROPRIATION FOR EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 124 of the Foreign Relations Authorization Act, Fiscal Years 1988-89 (Public Law 100-204) is repealed.

SEC. 119. INTERNATIONAL BOUNDARY & WATER COMMISSION.

(a) Section 103 of the Act of September 13, 1950, as amended (22 U.S.C. 277d-3) is amended by inserting after "guard purposes," "official entertainment and other representation expenses within the United States for the United States section;"

(b) Section 101 of the Act of June 20, 1956 (22 U.S.C. 277d-12) is amended as follows:

(1) In the title by inserting "and sanitation" after "flood control"; and by striking "Rio Grande" and inserting in its place "boundary rivers, and boundary sanitation problems";

(2) In the provision by inserting "or sanitation" after "flood control"; by striking the "." after "Rio Grande" and inserting in its place ", Colorado and Tijuana Rivers; and for taking of emergency actions to protect against health threatening sanitation problems by repairing or replacing existing capital infrastructure along the U.S.-Mexico Boundary."

(c) The Act of May 13, 1924, as amended (22 U.S.C. 277-277f), is amended as follows:

(1) in section 3 (22 U.S.C. 277b) by

(A) inserting "(1)" after "authorized" in the first line; by striking "and (b)" and inserting "(2)"; and by striking the "." and inserting in its place "; and (3) to carry out preliminary surveys, operations and maintenance of the interceptor system constructed to intercept sewage flows from Tijuana and from selected canyon areas."; and

(B) adding the following new subsections (b) and (c):

"(b) Expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

"(c) The Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the dam as shall have been allocated to such purposes by the Secretary of State," and

(2) in section 2 (22 U.S.C. 277a) by inserting "drainage of transboundary storm waters," after "stabilization and".

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SEC. 120. OPERATION OF POSTS ABROAD.

Sections 122 and 204 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (Public Law 100-204) are repealed.

SEC. 121. CONSULAR OFFICER DUTIES.

Section 31 of the Act of June 22, 1860 (22 U.S.C. 4192) is repealed.

SEC. 122. ACCESS TO CRIMINAL RECORDS.

Section 9101 of title 5 of the United States Code is amended in subsections (b)(91), and (c) by inserting "the Department of State" before "or the Federal Bureau of Investigation".

SEC. 123. STATE DEPARTMENT POST OFFICES ABROAD.

Title 39 United States Code is amended as follows:

(a) Section 406 is amended:
(1) By adding "and diplomatic posts abroad" after "installations" in the title; and

(2) In subsection (a) by striking "and" after "Armed Forces" and replacing it with "and inserting", and at diplomatic posts abroad" before the "at the end; and

(3) In subsection (b) by inserting "State" after "Defense".

(b) Section 3461 is amended

(1) by inserting "and United States Government employees assigned to United States diplomatic missions abroad" in the title;

(2) in subsection (e) by inserting "and the Department of State" after "Department of Defense" in the first line; by striking "the Department of Defense" in the third line and replacing it with "these agencies"; by inserting "or diplomatic posts abroad" after "Armed Forces post offices"; and by inserting "or a diplomatic post abroad" before the "at the end; and

(3) in subsection (f) by inserting "or the Secretary of State" after "Secretary of Defense".

SEC. 124. AUTHORITY OF DIPLOMATIC SECURITY SERVICE.

Section 37 of the State Department Basic Authorities Act (22 U.S.C. 2709) is amended—

(a) by renumbering subparagraph (a)(2)(B) thereof as (a)(2)(C) and inserting a new subparagraph (a)(2)(B) as follows:

"(B) make arrests without warrant for any offense concerning passport or visa issuance or use if the special agent has reasonable grounds to believe that the person has committed or is committing such offense;" and

(b) by revising subparagraph (a)(5) thereof to read as follows:

"(5) arrest without warrant any person for a violation of section 111, 112, 351, 970, or 1023 of Title 18, United States Code—

"(A) in the case of a felony violation, if the special agent has reasonable grounds to believe that such person—

(i) has committed or is committing such violation; and

(ii) is in or is fleeing from the immediate area of such violation; and

"(B) in the case of a felony or misdemeanor violation, if the violation is committed in the presence of the special agent."

PART C—DIPLOMATIC IMMUNITY RECIPROCITY AND SECURITY

SEC. 125. EXCLUSION OF ALIENS PREVIOUSLY INVOLVED IN A SERIOUS CRIMINAL OFFENSE COMMITTED IN THE UNITED STATES.

(a) Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking the period at the end of paragraph (33) and inserting in its place "and" and

(2) by adding after paragraph (33) the following new paragraph:

"(34)(A) Any alien who has committed in the United States any serious criminal offense, as defined in subparagraph (B), for whom immunity from criminal jurisdiction was exercised with respect to that offense, who as a consequence of the offense and exercise of immunity had departed the United States, and who has not subsequently submitted fully to the jurisdiction of the United States with respect to that offense.

"(B) For purposes of this paragraph, the term 'serious criminal offense' means—

"(i) any felony;

"(ii) any crime of violence, as defined in section 16 of title 18 of the United States Code; or

"(iii) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances when that crime involves personal injury to another."

(b) Section 212(h) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(h)) is amended by striking "or" after "(10)", and inserting "or (34)" after "(12)".

SEC. 131. UNITED STATES-SOVIET RECIPROCITY IN MATTERS RELATING TO EMBASSIES.

Section 153(b) of Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended by striking "until the United States mission in Kiev is able to occupy secure permanent facilities" at the end and inserting in its place "except on the basis of reciprocity as to the establishment by the United States of a consulate in Kiev".

SEC. 132. UNITED STATES-SOVIET EMBASSY AGREEMENT.

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended to read as follows:

"SEC. 151. UNITED STATES-SOVIET EMBASSY AGREEMENT.

"(a) In order to address concerns as to the security of the new United States Embassy complex in Moscow and the potential damage to the national security of the United States from the new Soviet Embassy complex in Washington, District of Columbia, the President shall determine, no later than October 1, 1990, whether all feasible and effective steps have been or will be taken to achieve the following objectives:

"(A) to ensure that a new chancery building to be occupied by the United States Embassy in Moscow can be safely and securely used for its intended purposes; and

"(B) to eliminate the damage to the national security of the United States due to electronic surveillance from Soviet facilities on Mount Alto.

"(b) Any determinations made under subsection (a) shall be reported to Congress within 30 days of the date the determinations are made. Any such report shall include—

"(A) a detailed explanation of each of the determinations;

"(B) an assessment of the impact on national security of the removal of the Soviet Embassy from Mt. Alto; and

"(C) the specific steps that have been or will be taken under paragraph (a)(1).

"(c) It is the sense of Congress that, in the event that the President cannot make an affirmative determination under subsection (a), the United States should terminate the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings."

SEC. 133. CHILD CARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act is amended by adding a new subsection (d) as follows:

"(d) The Secretary of State may make grants to child care facilities, to offset in part the cost of such care, in Moscow and at other posts abroad where the Secretary determines that due to extraordinary circumstances such facilities are necessary to the efficient operation of the post. In determining that a facility is necessary, the Secretary shall take into account factors such as:

"(1) Whether Foreign Service spouses are encouraged to work at the mission because

"(a) the number of members of the mission is subject to a ceiling imposed by the receiving country; and

"(b) Foreign Service Nationals are not employed at the mission; and

"(2) Whether local child care is available."

SEC. 134. STATE DEPARTMENT CONTRACTOR EXEMPTION TO POLYGRAPH PROTECTION ACT.

Section 7 of the Employee Polygraph Protection Act of 1988 (Public Law 100-347) is amended by

(a) redesignating subparagraph "(d)" as subparagraph "(e)"; and

(b) inserting the following new subparagraph:

"(d) Department of State Contractors Exemption.—Nothing in this Act shall be construed to prohibit the administration, by the Department of State, in the performance of any counterintelligence function, of any lie detector test, administered under regulations implementing the Department's polygraph program, to an individual under contract to the Department or an employee of a contractor or subcontractor of the Department of State who is engaged in the performance of any work under a contract or subcontract with the Department."

PART D—PERSONNEL

SEC. 135. AUTHORITY TO TRANSFER RETIREMENT CONTRIBUTIONS FOR FOREIGN SERVICE NATIONALS TO LOCAL PLANS.

(a) Subsection 408(a) of the Foreign Service Act of 1980 (22 U.S.C. 3968) is amended by inserting at the end thereof the following new subparagraph:

"(3) At the direction of the Secretary of State, and where a foreign national employee so elects during a one-year period established by the Secretary of State with respect to each post abroad, the Secretary of the Treasury shall transfer such employee's interest in the Civil Service Retirement and Disability Fund to a trust or other local retirement plan certified by the U.S. Government, under a local compensation plan established for foreign national employees pursuant to this section (excluding local social security plans). For purposes of this paragraph, an employee's "interest in the Civil Service Retirement and Disability Fund" shall mean the employee and the total of employing agency contributions with respect to such employee, pursuant to subsections 8331(8) and 8334(a)(1) of title 5, United States Code, respectively, plus interest at the rate provided in subsection 8334(e)(3) such title. Any such transfer shall void any annuity rights or entitlement on lump sum credit under subchapter III of chapter 83 of such title."

(b) Section 8345 of Title 5, United States Code is amended by adding at the end thereof a new subsection (1), as follows:

"(1) Transfers of contributions and deposits authorized by Section 408(a)(3) of the Foreign Service Act of 1980, as amended, shall be deemed a complete and final payment of benefits under this chapter, for the employee's funds thus transferred."

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SEC. 141. JUDICIAL REVIEW—SEPARATION FOR CAUSE.

Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end of subsection (a)(2) the following new sentence:

"Section 1110 shall also apply to proceedings under this paragraph."

SEC. 142. TRAVEL, LEAVE, AND OTHER BENEFITS.

Section 901 of Chapter 9 of the Foreign Service Act of 1980 (22 U.S.C. 4081) is amended in paragraph (9) by striking "from a location" and inserting in its place "to or from an employee's post of assignment"; and inserting at the end thereof ", except that travel by a family member to an employee's post of assignment abroad may be authorized only to persons who are required by the United States Government to live away from the such post."

SEC. 143. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) Section 5523(a) is amended

(1) in subparagraph (1)(A) by inserting "(or that of his dependents or immediate family, as the case may be)" after "departure"; and

(2) in the last sentence by striking the phrase "for not more than 120 additional day" and by inserting in its place "thereafter in 30-day increments, up to a total evacuation period of no more than 270 days".

(b) Section 5551(a), is amended by adding after the word "pay" in the second sentence, "or, for service as part of a tour of duty or extension thereof commencing on or after the effective date of this amending provision, the basic pay,".

(c) Section 5922 is amended by adding at the end thereof the following new subsections (d) and (e):

"(d) When a quarters allowance or allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings under section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post notwithstanding the employee's death."

"(e) When an allowance related to education away from post under this subchapter would be authorized to an employee but for the evacuation/authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing dependent child(ren) of such employee to complete the current school year."

(d) Section 5923, relating to quarters allowance, is amended—

(1) in paragraph (1), by striking the word "lodging" and inserting in its place "subsistence"; and by inserting "including meals and laundry expenses" after "quarters" the first time it appears.

(2) in subparagraph (1)(A) by striking "3 months" and inserting "90 days" in its place; and

(3) in subparagraph (1)(B), by striking "1 month" and inserting "30 days" in its place.

(e) Section 5924(1), relating to post allowances, is amended by adding at the close thereof ", except that employees receiving the temporary subsistence allowance under section 5923(1) of this Title are ineligible for receipt of a post allowance under this paragraph."

(f) Section 5923 (2) is amended—

(1) by inserting "subsistence and other relocation" after "reasonable" and inserting "(including unavoidable lease penalties)" after "expenses"; and

(2) in subparagraph (A), by deleting "the Commonwealth of Puerto Rico" and insert-

ing "the Commonwealths of the Northern Marianas Islands or Puerto Rico," in its place; and

(3) in subparagraph (B), by striking "between assignments to posts in foreign areas" and inserting "after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned" in lieu thereof.

(g) Section 5924(4) is amended—

(1) in the introduction, by inserting "or, to the extent education away from post is involved, official assignment to serve in such area or areas," after "dependents,";

(2) in subparagraph (A), by inserting before "kindergarten", "pre-school for handicapped children ages three to five years,"; and

(3) in the first line of subparagraph (B) by striking "undergraduate college" each time it appears and inserting in its place "post-secondary (but not graduate or post-graduate) educational institution".

SEC. 144. CREDIT FOR SERVICE AT UNHEALTHFUL POSTS.

(A) Section 816(1)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4056) is amended to read as follows:

"(2) A former spouse shall not be considered as married to a participant for periods assumed to be creditable service under section 808(a) or section 809(e)."

(b) Section 817 of such Act (22 U.S.C. 4057) is amended by adding, at the end thereof, the following new sentences:

"Such extra credit shall not be used to determine the eligibility of a person to qualify as a former spouse under this subchapter, or to compute the pro rata share under section 804(10). No extra credit for service at unhealthful posts shall be given under this section for any service as part of a tour of duty, or extension thereof, commencing on or after the effective date of this amending provision."

SEC. 145. FORMER SPOUSES OF USIA AND AID EMPLOYEES.

(a) Section 831 of the Foreign Service Act of 1980 (22 U.S.C. 4069b) is amended by adding at the close thereof a new subsection (g), as follows:

"(g) Any individual who was on February 14, 1981, an otherwise qualified former spouse pursuant to section 830 of this Act, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency for International Development shall be entitled to benefits under this section if the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System, so long as the marriage included at least five years during which the employee was assigned overseas."

(b) Section 832 of the Foreign Service Act of 1980 (22 U.S.C. 4069c), as amended, is amended by adding at the close thereof a new subsection (g), as follows:

"(g) Any individual who was on February 14, 1981, an otherwise qualified former spouse pursuant to subsections (a), (b), and (c) of this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency for International Development shall be entitled to benefits under this section if the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System, so long as the marriage included at least five years during which the employee was assigned overseas."

SEC. 146. GRANTS FOR INSTITUTIONS AND STUDENTS FOR TRAINING IN INTERNATIONAL AFFAIRS.

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2289 et seq.) is amended by adding the following new section 44:

"Sec. 44. Grants for Training and Education in International Affairs.

"The Secretary of State may make grants to post-secondary educational institutions or students for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service, consistent with Section 105 of the Foreign Service Act of 1980, as amended. To the extent possible, the Secretary shall give special emphasis to promoting such knowledge and awareness of the Foreign Service among minority students. Any grants awarded will be made pursuant to regulations to be established by the Secretary of State, which will provide for a limit on the size of any specific grant, and, regarding any grants to individuals, will ensure that no grant recipient receives grants from one or a combination of federal programs which exceed the cost of his or her education and will require satisfactory educational progress by grantees as a condition of eligibility for continued receipt of grant funds."

SEC. 147. CHIEF OF MISSION SALARY.

Section 302(b) of the Foreign Service Act of 1980 (22 U.S.C. 3942(b)) is amended by striking "shall receive the salary" and all that follows and inserting in its place "may elect to continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63 of title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President."

SEC. 148. SAVINGS PROVISION.

All determinations, authorizations, regulations, orders, agreements, or other actions made, issued, undertaken, entered into or taken under authority of any provision of the Foreign Service Act of 1980 repealed, modified, or affected by this Act shall continue in full force and effect until modified, revoked, or superseded by appropriate authority.

TITLE II—INTERNATIONAL ORGANIZATIONS

SEC. 201. UNITED STATES MEMBERSHIP IN INTERNATIONAL SUGAR ORGANIZATION AND INTERNATIONAL TROPICAL TIMBER ORGANIZATION

The President is authorized to continue membership for the United States in the International Sugar Organization and the International Tropical Timber Organization. Beginning in fiscal year 1991 and thereafter, the United States assessed contributions to such organizations may be paid from funds appropriated under the heading "Contributions to International Organizations."

SEC. 202. REFORM IN BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) FINDINGS.—The United Nations and its specialized agencies have made progress in the formulation and implementation of budget reforms as called for by Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, as amended (Public Law 99-93). Presidential determinations that were required by that and other laws confirm the progress that has been made in this respect.

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(b) **FINANCIAL RESPONSIBILITY IN BUDGET PROCEDURES.**—To assure financial responsibility in preparation of the assessed budgets of the United Nations and its specialized agencies, it is the sense of Congress that the President should continue vigorous efforts to ensure continued implementation by the United Nations and its specialized agencies of decision-making procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(c) **LIMITATION ON ASSESSED CONTRIBUTIONS.**—For assessed contributions for each calendar year beginning with calendar year 1989, the President is authorized to withhold funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year unless the President determines that such agency has continued implementation of decision-making procedures on budgetary matters as referred to in subsection (b). The President shall notify the Congress of the agencies from which funding has been withheld at the end of each fiscal year.

SEC. 203. CONTRIBUTION TO THE REGULAR BUDGET OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS.

Section 742 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, is repealed.

TITLE III—IMMIGRATION AND REFUGEE PROVISIONS

SEC. 391. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AUDIT REQUIREMENT.

Section 113(a) of Public Law 99-93 is amended to read as follows:

"(a) **PROGRAM AUDITS.**—Funds may not be available to the United Nations High Commissioner for Refugees under this or any other Act unless provision is made for—

"(1) annual program audits to determine the use of UNCHR funds, including the use of such funds by implementing partners; and

"(2) such audits are made available through the Department of State for inspection by the Comptroller General of the United States."

SECTIONAL ANALYSIS ON S. 808—AN ACT TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEARS 1990 AND 1991 FOR THE DEPARTMENT OF STATE, AND FOR OTHER PURPOSES

Section 1. Short Title.—This section provides that the Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1990 and 1991."

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS; RESTRICTIONS

Section 101. Authorization of Appropriations.—This section authorizes appropriation of funds to carry out the functions and duties of the Department of State in accordance with the provisions of Section 15(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2630), as amended. This Act primarily authorizes funds to be appropriated for fiscal years 1990 and 1991.

Subsection (a):

Category 1—Authorizes appropriations under the heading "Administration of Foreign Affairs" for fiscal years 1990 and 1991. This category provides the necessary funds for the salaries, expenses and allowances of the officers and employees of the Department, both in the United States and abroad and the expenses of the Office of the Inspector General. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organiza-

tions, acquisition and maintenance of office space and living quarters of the United States missions abroad, provision of security for those operations, and domestic public information activities. This category also provides for representational expenses in accordance with Section 905 of the Foreign Service Act of 1980. Further, it authorizes funds for such activities as funds for relief and repatriation loans to United States citizens abroad and for other emergencies of the Department; and authorizes appropriations for protection of foreign missions and officials, and the American Institute in Taiwan.

Category 2—Authorizes appropriations for fiscal years 1990 and 1991 under the heading "International Organizations and Conferences." This category provides the necessary funds for United States contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member, including arrearages from prior year contributions. In addition, provision is made for funding of official United States Government participation in regularly scheduled or planned multilateral intergovernmental conferences, meetings and related activities, and for contributions to international peacekeeping activities in accordance with multilateral agreements.

Category 3—Authorizes appropriations for fiscal years 1990 and 1991 under the heading "International Commissions." This category provides funds necessary to enable the United States to meet its obligations as a participant in international commissions such as the American Sections of international commissions dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

Subsection (b) authorizes appropriations for fiscal years 1990 and 1991 under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private voluntary agencies, governments, and bilateral assistance, as authorized by law.

Subsection (c) authorizes appropriations for "Other Activities" fiscal years 1990 and 1991. This provides funds for United States bilateral science and technology agreements, Soviet-East European research, and the Asia Foundation.

Section 102. Availability of Funds.—This section amends section 24 of the Department's Basic Authorities Act in a number of ways affecting the availability of funds for use by the Department.

Subsection (a)(1) amends section 24(b) to provide that deobligated balances in accounts under the heading "Administration of Foreign Affairs" may be transferred to and merged with the Department's Buying Power Maintenance Fund at any time prior to the end of the two-year period following the period of availability, when the funds would otherwise revert to the Treasury. This authority applies only to deobligations of expiring balances and is not applicable to no-year funds. Once transferred, the balances could only be used for the purposes for which the Fund was established, that is, to offset adverse fluctuations in foreign currency exchange rates, or unbudgeted overseas wage and price changes. Section 102(b) specifies that this provision applies only to funds appropriated for fiscal year 1987 and later. Furthermore, for fiscal year 1987 and 1988 funds, it applies only to funds deobligated after the date of enactment of this

act, and does not allow transfer of funds already returned to Treasury.

Subsection (a)(2) amends authority in section 24(d) to transfer up to 10 percent of the amount authorized between certain named accounts. The accounts currently named do not always correspond to the headings under which funds are authorized and this amendment clarifies that transfer of authorization can be made between any two accounts designated by the authorization committees.

Subsection (a)(3) adds two new sections to section 24. New section 24(e) provides that earmarks within accounts are reduced proportionately if the amount appropriated (or made available following sequestration pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) is less than the amount of the authorization. New subsection 24(g) provides authority for the Department to enter into 12-month contracts that bridge two fiscal years so long as funds are obligated within the fiscal year for which they were appropriated. This amendment will enable procurement actions for the Department to be more evenly distributed throughout the calendar year and so promote more orderly contract administration. The same authority has already been granted to other agencies in the executive branch.

Section 103. Funding for 1992 Seville World's Fair.—This section authorizes appropriation of \$5,000,000 toward the costs of participation by the United States in the 1992 World's Fair in Seville. These funds will provide for the State Department's share of the U.S. Government's cost for the Federal pavilion at the fair.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

Section 110. Certain Operational Authorities.—This section amends section 2 of the State Department Basic Authorities Act to provide permanent authorization for several operational activities that have, in recent years, been reenacted annually in the Department's appropriations acts, including obligations assumed in West Berlin after World War II, provision of certain telecommunications services, and provision of maximum physical security in Government owned and leased properties and vehicles abroad. With this permanent authorization, it will no longer be necessary to specify these activities each year in the appropriations act. This amendment is included at the request of the House Appropriations Committee.

Section 111. Fees and Reimbursements.—New section 43 allows reimbursements and fees or surcharges received for the use of Blair House to be retained by the Department during fiscal years 1990 and 1991 in the account from which the funds originated (or the currently applicable account). Such funds would be available for use only for maintenance and other expenses of Blair House. This revision will make it possible for the Department to recoup some of its expenses incurred in allowing others to use Blair House facilities for official and social functions. It also provides a means to ensure that reimbursements required for individuals attending representational functions can be used to defray the costs of those events. This authority is available only to the extent provided in advance in appropriation acts.

Section 112. International Center.—This section gives the Department explicit authority to charge tenant U.S. Government agencies for use of facilities for security and maintenance located at the International Center. It also provides the Department au-

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